

2 State of Arkansas  
3 91st General Assembly  
4 Second Extraordinary Session, 2017

# A Bill

JMB/JMB  
HOUSE BILL

5  
6 By: Representative Pilkington

7 Filed with: House Committee on Public Health, Welfare, and Labor  
8 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

9  
10 AN ACT TO AUTHORIZE A PHARMACIST TO DISPENSE ORAL  
11 CONTRACEPTIVES WITHOUT A PRESCRIPTION; AND FOR OTHER  
12 PURPOSES.

## Subtitle

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15 TO AUTHORIZE A PHARMACIST TO DISPENSE  
16 ORAL CONTRACEPTIVES WITHOUT A  
17 PRESCRIPTION.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code § 17-92-101(16)(A), concerning the definition  
24 of "practice of pharmacy", is amended to read as follows:

25 (16)(A) "Practice of pharmacy" means the healthcare provider  
26 profession of:

27 (i)(a) Dispensing, selling, distributing,  
28 transferring possession of, vending, bartering, or, in accordance with  
29 ~~regulations~~ rules adopted by the Arkansas State Board of Pharmacy,  
30 administering drugs, medicines, poisons, or chemicals that under the laws of  
31 the United States or the State of Arkansas may be sold or dispensed only on  
32 the prescription and order of a practitioner authorized by law to prescribe  
33 drugs, medicines, poisons, or chemicals.

34 (b) Except as limited by rules adopted by the  
35 Arkansas State Board of Pharmacy, a pharmacist has the ability to administer  
36 medications.

1 (c) Influenza vaccines and influenza  
2 immunizations may be administered to a person seven (7) years of age and  
3 older under a general written protocol.

4 (d) Vaccines and immunizations other than  
5 influenza vaccines and influenza immunizations may be administered to a  
6 person from seven (7) years of age to eighteen (18) years of age under a  
7 patient-specific order or prescription and subject to reporting of the  
8 administration to the prescribing physician together with any reporting  
9 required under § 20-15-1203.

10 (e) Vaccines and immunizations other than  
11 influenza vaccines and influenza immunizations may be administered to a  
12 person eighteen (18) years of age or older under a general written protocol.

13 (f) Medications other than vaccines and  
14 immunizations may be administered to a person seven (7) years of age or older  
15 under a patient-specific order or prescription and subject to reporting of  
16 the administration to the prescribing physician.

17 (g) A general written protocol under  
18 subdivisions (16)(A)(i)(c) and (e) of this section and patient-specific  
19 orders or prescriptions under subdivisions (16)(A)(i)(d) and (f) of this  
20 section shall be from a physician licensed by the Arkansas State Medical  
21 Board and practicing in Arkansas or within fifty (50) miles of the Arkansas  
22 border.

23 (h) ~~Pursuant to~~ Under a statewide protocol, a  
24 pharmacist may initiate therapy and administer or dispense, or both,  
25 Naloxone;

26 (ii) Placing, packing, pouring, or putting into a  
27 container for dispensing, sale, distribution, transfer of, possession of,  
28 vending, or bartering any drug, medicine, poison, or chemical that under the  
29 laws of the United States or the State of Arkansas may be sold or dispensed  
30 only on the prescription of a practitioner authorized by law to prescribe  
31 drugs, medicines, poisons, or chemicals;

32 (iii) Placing in or affixing upon any container  
33 described in subdivision (16)(A)(ii) of this section a label required to be  
34 placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon  
35 prescription of a practitioner authorized by law to prescribe those drugs,  
36 medicines, poisons, or chemicals;

1 (iv) Preparing, typing, or writing labels to be  
2 placed in or affixed on any container described in subdivision (16)(A)(ii) of  
3 this section, which label is required to be placed upon drugs, medicines,  
4 poisons, or chemicals sold or dispensed upon prescription of a practitioner  
5 authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

6 (v) Interpreting prescriptions for drugs, medicines,  
7 poisons, or chemicals issued by practitioners authorized by law to prescribe  
8 drugs, medicines, poisons, or chemicals that may be sold or dispensed only on  
9 prescription;

10 (vi) Selecting, taking from, and replacing upon  
11 shelves in the prescription department of a pharmacy or apothecary drugs,  
12 medicines, chemicals, or poisons that are required by the laws of the United  
13 States or the State of Arkansas to be sold or dispensed only on prescription  
14 of a practitioner authorized by law to prescribe them;

15 (vii) Compounding, mixing, preparing, or combining  
16 drugs, medicines, chemicals, or poisons that under the laws of the United  
17 States or the State of Arkansas may be sold or dispensed only on the  
18 prescription of a practitioner authorized by law to prescribe them;

19 (viii) Advising and providing information concerning  
20 utilization of drugs and devices and participation in drug utilization  
21 reviews;

22 (ix)(a) Performing a specific act of drug therapy  
23 management or disease state management delegated to a pharmacist for an  
24 individual patient based upon a written protocol or a patient care plan  
25 approved by a physician, ~~who shall be~~ licensed in this state under the  
26 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,  
27 and § 17-95-401 et seq.

28 (b) Drug therapy management ~~shall~~ does not  
29 include the selection of drug products not prescribed by the physician unless  
30 the drug products are either named in the physician-initiated protocol or the  
31 physician-approved patient care plan;

32 (x) Providing pharmacy care; ~~and~~

33 (xi) Providing pharmacokinetic services; and

34 (xii) Providing oral contraceptives to an individual  
35 who is either:

36 (a) Eighteen (18) years of age or older; or

1 (b) An emancipated minor.

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3 SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 1, is  
4 amended to add an additional section to read as follows:

5 17-92-117. Oral contraceptives.

6 (a) A pharmacist who provides oral contraceptives under § 17-92-  
7 101(16)(A)(xii) shall:

8 (1) Complete a training program approved by the Arkansas State  
9 Board of Pharmacy and the Arkansas State Medical Board related to oral  
10 contraceptives;

11 (2) Advise the patient to consult with a primary care  
12 practitioner;

13 (3) Provide the patient with:

14 (A) Documentation about the oral contraceptive that was  
15 provided;

16 (B) A standardized factsheet that includes without  
17 limitation:

18 (i) The indications and contraindications for use of  
19 the oral contraceptive;

20 (ii) The appropriate method for using the oral  
21 contraceptive;

22 (iii) The importance of medical follow-up visits;  
23 and

24 (iv) Other appropriate information as determined by  
25 the Arkansas State Board of Pharmacy and the Arkansas State Medical Board;

26 (C) A self-screening risk assessment tool developed or  
27 approved by both the Arkansas State Board of Pharmacy and the Arkansas State  
28 Medical Board; and

29 (D) Contact information of a primary care practitioner or  
30 women's healthcare practitioner and a recommendation that the patient be seen  
31 for a medical follow up within a reasonable period of time after provision of  
32 the oral contraceptive; and

33 (4) Either dispense the oral contraceptives or refer the patient  
34 to a pharmacy that dispenses the oral contraceptives as soon as practicable  
35 after the pharmacist determines that the patient should receive the oral  
36 contraceptive.

1       (b) A pharmacist may charge an annual administrative fee for services  
2 provided under this section and § 17-92-101(16)(A)(xii) in addition to any  
3 costs associated with the dispensing of the oral contraceptive and paid by  
4 the pharmacy benefit.

5       (c)(1) A pharmacist or a pharmacy employee shall disclose the total  
6 cost that a patient would pay for pharmacist-provided oral contraceptives.

7       (2) As used in subdivision (c)(1) of this section, "total cost"  
8 means the price of the oral contraceptive and the price of the administrative  
9 fee.

10       (d)(1) All state and federal laws governing insurance coverage of  
11 contraceptive drugs, devices, products, and services apply to oral  
12 contraceptives provided by a pharmacist under this section and § 17-92-  
13 101(16)(A)(xii).

14       (2) Patients who are insured or covered and receive a pharmacy  
15 benefit that covers the cost of oral contraceptives shall not pay an  
16 administrative fee but shall pay any co-payments under the insurance policy.

17       (e) A pharmacist who is acting in good faith and with reasonable care  
18 involved in the provision of oral contraceptives under this section and § 17-  
19 92-101(16)(A)(xii) is immune from:

20       (1) Disciplinary or adverse administrative actions for acts or  
21 omissions during the provision of oral contraceptives; and

22       (2) Civil liability in the absence of gross negligence or  
23 willful misconduct for actions authorized under this section and § 17-92-  
24 101(16)(A)(xii).

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27 Referred by Representative Pilkington

28 Prepared by: JMB/JMB

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